IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6425 OF 2006

Mr.Kanthan L.Andrews .. Petitioner.
Vs.
Mr.Prakash Pukhraj Porwal & Ors. .. Respondents.

Mr.R.G.Bhat for the petitioner.
Mr.Rajesh Datar for respondent no.1.
Mr.M.H.Solkar AGP for respondent no.3.

CORAM : D.B.BHOSALE, J.

DATED : 27TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner and respondent no.1 and learned A.G.P. for respondent no.3.

2. The petitioner has challenged the order dated 2.9.2006 passed by the court below on the application at Exhibit-42 in Special Civil Suit No.19/2005 by which the petitioner has been directed to furnish security to secure the claim amount in the suit. Mr.Bhat, learned counsel for the petitioner, on instructions from his client who is present in the court, states that the petitioner is prepared to file an undertaking before the trial Court within one week from today stating that the petitioner shall not part with possession or create third party rights in

respect of Flat No.703, Salasar Jyot Building, Bhayandar. Admittedly, even 1/2 share in respect of the flat is sufficient to secure the amount of claim in the suit. In view of the statement made by the learned counsel for the petitioner the writ petition stands disposed of by the following order:

(a) The petitioner is directed to file an undertaking before the trial Court within one week from today stating that he shall not create third party rights or part with possession of the aforestated flat till the disposal of the suit.

(b) If the petitioner fails to furnish the undertaking as aforestated the order impugned shall operate against the petitioner. However, on filiing of the undertaking the impugned order dated 2.9.2006 shall stand quashed and set aside.

(c) Keeping in view the overall facts and circumstances of the case, the trial Court shall endeavour to dispose of the suit as expeditiously as possible and preferrably within a period of one year from today.

. With these observations the writ petition is disposed of.

(D.B.Bhosale, J.)